

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JANUARY 3, 2006
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:06 a.m. Mayor John Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Eddie Holguin, Jr., Steve Ortega and Beto O'Rourke. Late: Jose Alexandro Lozano at 9:09 a.m. and Melina Castro at 9:34 a.m. Absent: Presi Ortega, Jr. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **CRIME STOPPERS MONTH**
2. **DR. MARTIN LUTHER KING, JR. FOOD DRIVE WEEK**

RECOGNITION

"STAR OF THE MOUNTAIN" - POSTHUMOUS AWARD TO EL PASO'S CHAMPION EDDIE GUERRERO

Ms. Norma Chavez, State Representative, commented.

Judge Marquez commented.

Mrs. Vickie Guerrero commented.

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Mr. Walt Phillips commented on generous El Pasoans.

Mayor Cook and Representative Steve Ortega commented.

2. Dr. Greg Glavinovich commented on the elimination of parking meters and the bridge to and from Cd. Juarez.

Mayor Cook and Representative Lilly commented.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, Jr. and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke

NAYS: None

ABSENT: Representative Presi Ortega, Jr.

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*Motion made, seconded and carried to **APPROVE** the Minutes for Regular City Council Meeting of December 28, 2005.

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*Motion made, seconded and unanimously carried to **EXCUSE** Representative Presi Ortega, Jr. from the Regular Council Meeting of December 28, 2005.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to terminate the Professional Services Agreement by and between the City of El Paso and Larson, Dodd, Stewart & Myrick, LLC, for outside counsel in connection with the City of El Paso's federal legislative program effective January 31, 2006.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign a Professional Services Agreement commencing February 1, 2006 by and between the City of El Paso and Murray, Montgomery and O'Donnell for outside counsel in connection with the City of El Paso's federal legislative program.

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***RESOLUTION**

WHEREAS, the Development Corporation Act of 1979, Art. 5190.6, Texas Revised Civil Statutes, as amended, authorizes the creation of non-profit, non-member, non-stock corporations to act on behalf of political subdivisions of the State of Texas for the promotion of industrial development; and

WHEREAS, on August 28, 1979, the City Council of the City of El Paso, Texas, approved the creation of the City of El Paso Industrial Development Authority, Incorporated; and

WHEREAS, Article VII of the Articles of Incorporation, as amended effective December 21, 1993, vests powers of the Corporation in a Board of Directors, who are appointed by written resolution of the governing body of the City of El Paso, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Raymond Graham be appointed to the Board of Directors of the Industrial Development Authority, Incorporated, effective as of the date hereof, on behalf of Mayor John F. Cook.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Consultant Agreement by and between the CITY OF EL PASO and LICON ENGINEERING Co., INC for citywide geotechnical and materials testing services, in an amount not to exceed TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$250,000.00)

Mayor Cook and Representative Byrd commented.

Mr. Rick Conner, City Engineer, commented.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement for Architectural Services between the City of El Paso and ARTchitecture 1, LP, d.b.a. ARTrchitecture, for a project known as the "Rawlings Dental Health Clinic" for an amount not to exceed SIXTY-NINE THOUSAND and 00/100 DOLLARS (\$69,000.00).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign a Temporary Right of Entry Agreement by and between the City of El Paso (the "City") and the El Paso Scottish Rite Bodies (the "Owner") to continue to permit City Employee parking at the Owner's parking facilities, located at the intersection of Durango and Missouri Streets, through December 31, 2006, in order to remedy a shortage of available parking spaces for City employees working at City Hall.

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*Motion made, seconded and unanimously carried to **APPOINT** Gail Caldwell to the Parks and Recreation Advisory Board by Representative Melina Castro, District 4.

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*Motion made, seconded and unanimously carried to **APPOINT** Andy C. Saucedo to the Brownfields Redevelopment Board by Mayor Pro Tempore Beto O'Rourke, District 8.

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*Motion made, seconded and unanimously carried that the following tax refunds be **APPROVED**:

- A. Lone Star Title in the amount of \$2,660.55 overpayment of 2005 taxes.
(PID #C840-999-0150-9500).
- B. Washington Mutual in the amount of \$2,851.40 overpayment of 2004 taxes.
(PID #0185-999-0000-3500).
- C. The Cadle Company in the amount of \$19,817.67 overpayment of 2005 taxes.
(PID #1993-999-3633-0034).

D. John W. & Susan N. Long in the amount of \$4,923.43 overpayment of 2002 taxes.
(PID #C868-999-0020-0300).

E. Del Norte Title in the amount of \$3,669.15 overpayment of 2005 taxes.
(PID #P654-999-1090-0700).

F. Landamerica Lawyers Title of El Paso in the amount of \$3,451.80 overpayment of 2005 taxes. (PID
#W564-999-0030-1500)

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1ST MOTION

*Motion made, seconded and carried to **MOVE TO THE REGULAR** agenda the following:

Approve Change Order No. Thirty-Two (32) (Scope Change) to Byrne / Arrow, Joint Venture for Contract No. 2004-015, Plaza Theatre Restoration and Expansion project, for an increased amount of \$53,545.00. Change Order also adds five (5) days to the contract time. The purpose of this change order, due to Unforeseen Conditions, is to modify structural elements in the south wall of the Fly Tower requiring wide flange beams for the rigging supports. City of El Paso will fund these changes: 14300100-PPW0310-27911-508027. Financial analysis attached.

The completion date for this project through this change order is January 20, 2006.

Location: 125 Pioneer Plaza

Mayor Cook and Representatives Holguin, Castro, O'Rourke, Steve Ortega and Lozano commented.

The following City staff members commented:

1. Mr. Byron Johnson, Financial Services
2. Ms. Joyce Wilson, City Manager
3. Mr. Charlie McNabb, City Attorney

Ms. Lisa Turner, citizen, commented.

2ND AND FINAL MOTION

Motion made by Representative Lozano, seconded by Mayor Pro Tempore O'Rourke and carried to **APPROVE** Change Order No. Thirty-Two (32) (Scope Change) to Byrne / Arrow, Joint Venture for Contract No. 2004-015, Plaza Theatre Restoration and Expansion project, for an increased amount of \$53,545.00. Change Order also adds five (5) days to the contract time. The purpose of this change order, due to Unforeseen Conditions, is to modify structural elements in the south wall of the Fly Tower requiring wide flange beams for the rigging supports. City of El Paso will fund these changes: 14300100-PPW0310-27911-508027. Financial analysis attached.

The completion date for this project through this change order is January 20, 2006.

Location: 125 Pioneer Plaza

AYES: Representatives Lilly, Byrd, Lozano, Steve Ortega and O'Rourke
NAYS Representatives Castro and Holguin

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*Motion made, seconded and unanimously carried to **AWARD** Bid Solicitation No. 2006-040 Kawasaki Motorcycle Parts and Service

Award to: Edge Kawasaki
El Paso, Texas
Item(s): Part A, #1, #2 and #3 and Part B, All
Amount: \$50,000.00 (estimated annually)

Department: General Services-Fleet
Funds available: 37370510-5035-45202
Funding source: Fleet Services Internal Service Fund
Total award: \$150,000.00 (estimated)
District (s): All

General Services-Fleet and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within the two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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*Motion made, seconded and unanimously carried to **AWARD** Bid Solicitation No. 2006-051 Fertilizer

Award to: Helena Chemical Company
Mesquite, New Mexico
Item(s): #1 and #2
Amount: \$159,555.00 (estimated annually)

Department: Parks and Recreation
Funds available: 51010262-503113-01101
Funding source: Land Management Supplies-General Fund
Total award: \$478,665.00 (estimated)
District (s): All

Parks and Recreation and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Even though bid submitted by Circle Bar Spraying Inc. was lower, their adding of \$1.31 freight costs per sack made their bid higher than Helena Chemical Company. (See footnote on Bid Tabulation Sheet)

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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*Motion made, seconded and unanimously carried to **AWARD** Bid Solicitation No: 2006-023 Sunrise Park Improvements

Location: 3800 Sunrise Ave
Contractor: Allen Concrete, Inc.
El Paso, Texas

Department: Parks

Funds Available: 14200401-PBE04PA110-29110-508027
Funding Source: 2004 Bond Program
Items: Base Bid I \$85,230.00

Total Award: \$85,230.00
Estimated Completion Date: April 2006
District(s): 2

RECOMMENDATION:

The Departments of Engineering and Parks and Recreation recommend the award of this contract to Allen Concrete, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A.** An Ordinance affirming the use of City property in accordance with an Interlocal Cooperation Agreement between the City of El Paso and Ysleta Independent School District dated August 2, 2005.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

- B.** An Ordinance affirming the use of City property in accordance with an Interlocal Cooperation Agreement between the City of El Paso and El Paso Independent School District dated August 9, 2005.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

PUBLIC HEARING WILL BE HELD ON JANUARY 17, 2006 FOR ITEMS A – B

- C.** An Ordinance changing the zoning of Lot 17, Block 4, Stiles Gardens, El Paso, El Paso County, Texas from A-2 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7144 Dale Road. Applicant: Albert and Laura Avila. ZON05-00097

- D.** An Ordinance changing the zoning of a portion of Tract 4, Pence Acreage Tracts, El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7550 Alameda Ave. Applicant: Juan Rodriguez and Adelina Rodriguez. ZON05-00132

- E. An Ordinance changing the zoning of 32.162 Acres of Land Out of a Portion of Section 30, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-F (Ranch Farm) to R-3A/C (Residential/Condition). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 11000 Block of McCombs. Applicant: El Paso Water Utilities/ Public Service Board. ZON05-00134
- F. An Ordinance changing the zoning of Lot 11, Block 3, Starlight Addition, El Paso, El Paso County, Texas from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 10118 Pheasant Road. Applicant: Jose Robles. ZON05-00135

PUBLIC HEARING WILL BE HELD ON JANUARY 24, 2006 FOR ITEMS C – F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Motion made by Representative Castro, seconded by Representative Steve Ortega and unanimously carried to **AWARD** Best Value Procurement Solicitation No: 2006-033 Fire Station No. 34

Location:	6565 Angora Loop South
Contractor:	Jan-Car, Inc. El Paso, TX
Department:	Fire
Funds Available:	14200404-PBE04F1104-29161-508027
Funding Source:	2004 Bond Election
Items:	Base Bid I
	\$1,280,000.00
Total Award:	\$1,280,000.00
Estimated Completion Date:	September 2006
District(s):	4

RECOMMENDATION:

The Departments of Engineering and Fire recommend the award of this contract to Jan-Car, Inc., as this Offeror has provided the Best Value Proposal. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Castro commented.

Mr. Byron Johnson, Financial Services, commented.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously carried to **AWARD** Bid Solicitation No: 2006-025 El Paso Zoo Parking Improvements & Pedestrian Bridge

Location: 401 E. Paisano Dr.
Contractor: W.R. Albert Construction, Inc.
El Paso, Texas
Department: El Paso Zoo
Funds Available: 14101003-PQLZO103-60303-508027
Funding Source: 2000 Quality of Life Bond Election

Items:	Base Bid I	\$ 530,000.00	Base Bid II	\$ 83,563.30
	Base Bid III	\$ 124,980.00	Base Bid IV	\$ 155,000.00
	Alternate 1	\$ 15,000.00	Alternate 2	\$ 19,000.00

Total Award: \$ 927,543.30
Estimated Completion Date: July, 2006
Districts: 3

RECOMMENDATION:

The El Paso Zoo and the Project Manager Perspectiva 3DI recommend the award of this contract to W.R. Albert Construction, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Lozano commented.

Mr. Byron Johnson, Financial Services, commented.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously carried to **AWARD** RFP Solicitation No. 2006-014R Property, Casualty, Boiler and Machinery Insurance

Award to: Rogers & Belding Insurance Agency, Inc.
El Paso, Texas
Item(s): All
Amount: \$480,635.00 1st Year

Department: OMB/Insurance & Benefits
Funds available: 99010273-01101-504409
Funding source: Operating Account, Property Insurance
Total award: \$1,441,905.00
District (s): All

OMB/Insurance & Benefits, Financial Services Department Purchasing Division and the review committee have met and reviewed the proposals that were received. It is the recommendation of the committee to award the RFP to Rogers & Belding Insurance Agency, Inc.

This is a thirty-six (36) month contract with the options to extend the contract for two (2) additional years on a year to year basis.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the City Manager be authorized to execute any related contract documents, agreements and budget transfers necessary during the contract.

Mr. Byron Johnson, Financial Services, commented.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager is hereby authorized to sign a Letter Agreement by and between the City of El Paso (the "City") and the El Paso Electric Company ("EPE") whereby the City accepts Five Million Eight Hundred Sixty-seven Thousand Nine Hundred Thirteen Dollars (\$5,867,913) of Palo Verde Performance Standards Awards (the "Rewards") from EPE and agrees: (i) to use the Rewards solely to pay for demand-side management programs such as weatherization with a focus on programs to assist small business and commercial customers; and (ii) that if the City decides to use any amount of the Rewards to fund projects which do not qualify as demand-side management programs, such amount shall be returned to EPE with interest accrued from the date of this Resolution to the time the funds are returned to EPE.

Mayor Cook and Representatives Lozano, Steve Ortega, Byrd and O'Rourke commented.

The following City staff members commented:

1. Ms. Carmen Arrieta-Candelaria, Comptroller, gave a Power Point presentation (on file in the City Clerk's office).
2. Mr. David Dobson, Director of Economic Development, gave a Power Point presentation (on file in the City Clerk's office).
3. Ms. Patricia Adaauto, Deputy City Manager for Development and Infrastructure Services, gave a Power Point presentation (on file in the City Clerk's office).

Ms. Sofia Moreno, Executive Director for Project Bravo, commented.

Mr. Jose Avila, Financial Manager for Project Bravo commented.

Mr. Randy Chapman, Texas Legal Services Center, commented.

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Walt Phillips

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke and carried to **APPROVE** the above Resolution.

AYES: Representatives Lilly, Byrd, Lozano, Holguin, Steve Ortega and O'Rourke
NAYS: Representative Castro
ABSENT: Representative Presi Ortega, Jr.

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RESOLUTION

WHEREAS, the City of El Paso (the "City") is entitled to an award from the El Paso Electric Company ("EPE") in an amount equal to or approximately \$5.850 million for Palo Verde Performance Rewards (the "Rewards") as called for in Public Utility Commission of Texas ("PUC") Docket No 20450 (the "Docket");

WHEREAS, the City approved a resolution on June 28, 2005 to accept these funds from EPE and desires to use 100% percent of the funds for projects that fall within the definition of "demand-side management" (defined hereinafter).

WHEREAS, the definition of demand side management as defined by the PUC Energy Efficiency Rule Subst. Rule 25.181 is "activities that affect the magnitude or timing of customer electrical usage or both;" and

WHEREAS, the City desires to use the rewards for the following initiatives:

1. Project Bravo, Inc. "El Paso Saving Home Energy" Project
2. Business Incentives Program for Energy Efficiency Uses
3. Dark Sky Compliance Projects

All projects will be administered by various City departments and overseen by the City Manager. Initial funds will be allocated equally between the initiatives and any subsequent interest derived from these funds will be used for administrative purposes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EL PASO OF EL PASO:

THAT, the City Manager is hereby authorized to effectuate all necessary budget transfers to comply and implement the approved initiatives.

See above item for discussion.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and carried to **APPROVE** the above Resolution.

AYES: Representatives Lilly, Byrd, Steve Ortega and O'Rourke
NAYS: Representative Lozano, Castro, and Holguin
ABSENT: Representative Presi Ortega, Jr.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a contract between the City and Project BRAVO Inc. to provide Demand Side Management (DSM) Programs to a minimum of three hundred and forty five low and moderate income households under the El Paso Saving Home Energy Project during the period of January 1, 2006 through December 31, 2008. The total cost of the contract will not exceed \$1,940,000.00 and is funded through the El Paso Electric Company Palo Verde Performance Rewards. The City Manager is

authorized to sign amendments to this contract that do not involve additional expenditure of funds and provided that any amendments still provide for a DSM Program.

See item on page 9 for discussion.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega and carried to **APPROVE** the above Resolution.

AYES: Representatives Lilly, Byrd, Steve Ortega and O'Rourke
NAYS: Representative Lozano, Castro, and Holguin
ABSENT: Representative Presi Ortega, Jr.

.....
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Agreement for Engineering Services by and between the CITY OF EL PASO and KIMLEY-HORN AND ASSOCIATES, INC., for a Project known as the "Reconstruction of Runway 8R-26L and Taxiway E", in an amount not to exceed ONE MILLION FOUR HUNDRED TWENTY-FOUR THOUSAND SIX HUNDRED NINETY-FIVE AND 69/100 (1,424,695.69).

Mayor Cook and Representative Castro, Byrd and Steve Ortega commented.

Mr. Pat Abeln, Director of Aviation, commented.

Motion made by Representative Steve Ortega, seconded by Representative Lilly and unanimously carried to **APPROVE** the above Resolution.

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ORDINANCE 16246

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NO. 012631 FOR THE PURPOSE OF ABOLISHING THE ENTERPRISE COMMUNITY COORDINATING COMMITTEE.**

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore O'Rourke that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke
NAYS: None
ABSENT: Representative Presi Ortega, Jr.

Where upon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16247

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL A 0.635 ACRE PARCEL OF LAND, MORE OR LESS, BEING A PORTION OF TRACTS 3.S.J. LARKIN SURVEY NO. 264, A ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS TO M A HOMES, LLC.**

Mr. Byron Johnson, Financial Services, commented.

Motion duly made by Representative Lilly, seconded by Representative Steve Ortega that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke
NAYS: None
ABSENT: Representative Presi Ortega, Jr.

Where upon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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*Motion made, seconded, and carried to **POSTPONE** one (1) week an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.08.090.B (Sale Of Alcoholic Beverages, Restrictions) in order to prohibit the sale of alcoholic beverages within three hundred feet of a public or private school, day-care center or child-care facility. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

Ms. Joyce Wilson, City Manager, commented.

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ORDINANCE 16248

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING THE 10-FOOT DRAINAGE RIGHT-OF-WAY LOCATED BETWEEN LOTS 10 AND 11, BLOCK 5, ZACH WHITE INDUSTRIAL DISTRICT, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Representative Steve Ortega commented.

Mr. Rudy Valdez, Chief Urban Planner of Development Services, gave a Power Point presentation (on file in the City Clerk's office).

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin Steve Ortega and O'Rourke
NAYS: None
ABSENT: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16249

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) BY REPEALING CHAPTER 2.100 (WATER CONSERVATION ADVISORY BOARD) OF THE EL PASO MUNICIPAL CODE FOR THE PURPOSE OF ABOLISHING THE WATER CONSERVATION ADVISORY BOARD.**

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore O'Rourke, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None
ABSENT: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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*Motion made, seconded and unanimously carried to **POSTPONE** one (1) week an Ordinance changing the zoning of Parcel 1: Tract 2D4A and a portion of Tract 2D4, Block 9, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-4 (Residential); Parcel 2: A portion of Tract 2D4, Block 9, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-4 (Residential); and Parcel 3: A portion of Tract 2D and Tract 2D3, Block 9, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-1 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 358 Pendale Road. Applicant: Jose M. Chavez, Jorge Chavez, Leilonli Chavez & Richard Aguilar. ZON05-00098

Ms. Joyce Wilson, City Manager, commented.

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ORDINANCE 16250

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 4, BLOCK 6, CHRISTY TRACT IN BLOCK 31, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Steve Ortega commented.

The following City staff members commented:

1. Mr. Rudy Valdez, Chief Urban Planner of Development Services, gave a Power Point presentation (on file in the City Clerk's office).
2. Mr. Charlie McNabb, City Attorney

Motion duly made by Representative Steve Ortega, seconded by Representative Byrd, that the Ordinance be **ADOPTED WITH THE PROVISION THAT THE ITEM GO BACK TO THE CITY PLAN COMMISSION FOR SITE PLAN APPROVAL**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None
ABSENT: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16251

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 1F2-B5, BLOCK 1, ASCARATE GRANT, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM M-1/SC (LIGHT MANUFACTURING/SPECIAL CONTRACT) TO C-4/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Steve Ortega commented.

Mr. Rudy Valdez, Chief Urban Planner of Development Services, gave a Power Point presentation (on file in the City Clerk's office).

Motion duly made by Representative Steve Ortega, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None
ABSENT: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16252

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOT 46, BLOCK 423, VISTA DEL SOL UNIT NINETY-THREE, EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mayor Cook and Representative Steve Ortega commented.

Mr. Rudy Valdez, Chief Urban Planner of Development Services, gave a Power Point presentation (on file in the City Clerk's office).

Motion duly made by Representative Holguin, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None
ABSENT: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16253

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 1A & 3B, SECTION 41, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM M-1/SC (LIGHT MANUFACTURING/ SPECIAL CONTRACT) TO C-4/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mayor Cook commented.

Mr. Rudy Valdez, Chief Urban Planner of Development Services, gave a Power Point presentation (on file in the City Clerk's office).

Motion duly made by Representative Castro, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None
ABSENT: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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Motion made by Representative Byrd, seconded by Mayor Pro Tempore O'Rourke and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:22 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. Workers' Compensation Subrogation Interest Regarding Lilia Hernandez (551.071)
 - B. *Sylvia Aguilar vs. City of El Paso*; Cause No. 2004-084 (551.071)
 - C. *Cerjio Martinez, Jr. v. City of El Paso*; Cause No. 2003-5565 (551.071)
 - D. *Isabel Burke and Cecilia Aguirre vs. City of El Paso*; Cause No. EP-03-CA-0426-FM (551.071)
 - E. Claim of Jaime Capetillo/SWM/L0084 (551.071)
 - F. *Mark James Bittakis vs. City of El Paso, et al.*, Cause No. EP-05-CV-402-FM (551.071)
-

Motion made by Representative Byrd, seconded by Mayor Pro Tempore O'Rourke and unanimously carried to **ADJOURN** the Executive Session at 12:07 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously **CARRIED** that the Office of the City Attorney be authorized to file a lawsuit against the appropriate parties to recover the City's workers' compensation subrogation interest regarding Lilia Hernandez.

- AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
- NAYS: None
- ABSENT: Representative Presi Ortega, Jr.

NO ACTION WAS TAKEN regarding *Sylvia Aguilar vs. City of El Paso*; Cause No. 2004-084 (551.071)

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and **FAILED** that the City Attorney's office be authorized with settlement authority to negotiate settlement agreement and sign all documents to resolve the lawsuit styled *Cerjio Martinez, Jr. v. City of El Paso*; Cause No. 2003-5565.

- AYES: Representatives Lilly, Byrd, and Lozano
- NAYS: Castro, Holguin, Steve Ortega and O'Rourke
- ABSENT: Representative Presi Ortega, Jr.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously **CARRIED** that the City Attorney proceed with an Appeal in the case entitled *Isabel Burke and Cecilia Aguirre v. City of El Paso*, Cause No. EP-03-CA-0426.

- AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
- NAYS: None
- ABSENT: Representative Presi Ortega, Jr.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and **CARRIED** that the City Attorney's Office be authorized to reject claimant's settlement demand in the claim of *Jaime Capetillo*, Our File SWM/L0084.

- AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
- NAYS: None
- ABSENT: Representative Presi Ortega, Jr.

Motion made Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and **CARRIED** that the City Attorney be authorized to retain an expert and to be authorized to negotiate and sign retention agreement with the expert in the lawsuit styled *Mark James Bittakis vs. City of El Paso, et al.*, Cause No. EP-05-CV-402-FM; in the United States District Court for the Western District of Texas.

- AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
- NAYS: None
- ABSENT: Representative Presi Ortega, Jr.

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 12:12 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk